

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN PETERS,

Plaintiff,

v.

Case No. 08-12676
Honorable David M. Lawson

ELISABETH LINDSY, ANN ARBOR
HOUSING COMMISSION, JASMINE
PATTON, MARGARET ALFORD, MARIA
SPENCER, and DOUGLASS GORDON,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING THE CASE WITHOUT PREJUDICE**

Presently before the Court is the report issued on March 23, 2009 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b), recommending that this Court dismiss the case without prejudice for lack of personal service on the defendants. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 7] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED without prejudice**

pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 14, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 14, 2009.

s/Lisa M. Ware
LISA M. WARE